

**761—115.16 (306A) Longitudinal installations on freeways.****115.16(1) *Type of installation permitted.***

*a.* The department may permit the installation of an underground utility facility if, in addition to complying with other provisions of this chapter, the facility specifically complies with this rule.

*b.* Except as provided in this rule, no aboveground installations other than those needed to serve highway facilities are allowed.

**115.16(2) *Prohibitions on longitudinal occupancy.***

*a.* A utility facility shall not be used for transmitting gases or liquids or for transmitting products that are flammable, corrosive, expansive, highly energized or unstable.

*b.* A utility facility shall not present a hazard to life, health or property if it fails to function properly, is severed or is otherwise damaged.

*c.* No direct service connection to adjacent properties is allowed.

*d.* No utility facility is allowed in or on a structure carrying a freeway roadway or ramp, except for freeway border bridges, as provided in subrule 115.12(5).

**115.16(3) *Minimal maintenance.*** Once installed, the utility facility shall require minimal maintenance.

**115.16(4) *Location and depth.*** The utility facility shall be located on uniform alignment, preferably within eight feet of the freeway right-of-way line, and at a location approved by the department.

*a.* See subrule 115.13(1) for minimum depth requirements.

*b.* Except for multiduct systems, borings and isolated locations as determined by the department, cable shall be installed by the plowing method.

*c.* Utility accesses and splice boxes may be placed below the existing ground line. The location and number of installations are subject to department approval.

**115.16(5) *Identification signs, pedestals and repeater stations.***

*a.* The utility owner shall place identification signs within 12 inches of the right-of-way fence, at the line of sight, along the entire occupancy route. These signs shall identify the owner/operator's name, telephone number to contact in case of an emergency, and the type of buried utility.

(1) The signs shall be composed of an ultraviolet-resistant material.

(2) Each sign shall be no larger than 200 square inches.

(3) The interval between signs shall not exceed one-quarter mile in rural areas and 500 feet in urban areas, or as designated by the department.

(4) Additional signs shall be placed on each side of a public highway, road or street intersecting or crossing the freeway at points where the freeway right-of-way line intersects the public highway, road or street right-of-way line.

(5) The utility owner is responsible for installing and maintaining these identification signs.

*b.* Aboveground pedestals are permissible. Pedestals should be placed one foot from the right-of-way fence. The number of installations is subject to department approval.

*c.* Repeater stations are not allowed in the right-of-way.

**115.16(6) *Metallic warning tape.*** Metallic warning tape shall be installed a minimum of 12 inches below the existing grade and above the utility installation to facilitate locating the installation in the future.

**115.16(7) *Engineering.*** The utility owner shall retain the services of a licensed, professional engineer.

*a.* The engineer is responsible for overseeing continuous on-site inspection of the installation of the facility including all provisions pertaining to access to the work site and traffic control.

*b.* Upon completion of the project, the engineer shall certify to the department on the appropriate forms that the installation, traffic control, and access to the work site were accomplished in accordance with the permit.

*c.* Any change to the alignment as described in the original permit requires the prior approval of the department and the submission of as-built plans.

**115.16(8) *Occupancy fee.*** The utility owner shall pay to the department an annual fee for longitudinal occupancy of the freeway right-of-way. The initial fee is due before any construction work commences within the right-of-way.

*a.* Unless otherwise specified, the annual fee shall be as follows:

(1) When a multiduct system is required by the department: flat fee of \$14,500 per cable installation or \$7,250 per mile of cable, whichever is greater. These fees shall increase 3 percent per year after the base year of 2004.

(2) All other installations: flat fee of \$12,000 per cable installation or \$2,500 per mile of cable, whichever is greater. These fees shall increase 3 percent per year after the base year of 2004.

*b.* When the department requires the installation of a multiduct system, the department may enter into an agreement with the lead company for a discounted fee payment schedule to be in effect until the company has recovered all or an agreed upon portion of its cost of installing the system. Subsequent occupants of the multiduct system shall pay the full annual fee.

*c.* The department may negotiate an annual fee for occupancy dedicated solely to state government use.

**115.16(9) *Performance bond.*** The utility owner shall file a performance bond with the department prior to commencing work within the freeway right-of-way.

*a.* The bond shall be in the amount of \$100,000 per permit and shall guarantee prompt restoration of any damage caused during the installation of the utility facility.

*b.* The bond shall be in force for the duration of the construction. The department shall have the right to file a claim against the bond for two years thereafter.

**115.16(10) *Insurance.***

*a.* The utility owner shall maintain the following insurance for bodily injury, death and property damage arising out of or in connection with the construction, maintenance and operation of the facility:

(1) General public liability insurance with limits of not less than \$500,000 for injury to or death of a single person, or not less than \$1,000,000 for any one accident, and not less than \$250,000 per accident for property damage.

(2) Comprehensive automobile liability insurance with limits of not less than \$500,000 for injury to or death of a single person, or not less than \$1,000,000 for any one accident, and not less than \$250,000 per accident for property damage.

(3) Excess liability coverage with limits of not less than \$5,000,000.

(4) Statutory workers' compensation coverage.

*b.* This insurance shall be in effect before the utility owner commences any work within the freeway right-of-way.

*c.* Coverage may be provided by blanket policies of insurance covering other property or risks.

*d.* The department shall be named as an additional insured party in the general public liability and excess liability insurance policies.

**115.16(11) *Future adjustment.***

*a.* As a condition of the permit, the utility owner shall agree to waive all future rights to be reimbursed for adjustment costs incurred should maintenance or construction of the freeway system require adjustment of the utility facility.

*b.* Should adjustment of the utility facility be required, the department makes no assurance nor assumes any liability to the utility owner that the facility will again be allowed to occupy the freeway right-of-way.

**115.16(12) *Term of permit.*** The term of the permit shall not exceed 20 years. When the permit expires, the department may extend it in writing or renegotiate its terms.

**115.16(13) *Utilities for highway facilities.*** Longitudinal occupancy of utility facilities that service highway-related facilities are permissible upon such terms and conditions as the department may determine.